

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15697 Pan United, Inc., pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Section 701) to allow an auto repair garage and storage in a C-1 District at premises 1736 Rhode Island Avenue, N.E. (Square 4130, Lot 19).

HEARING DATES: September 16, and November 18, 1992 and
February 17, 1993
DECISION DATE: February 17, 1993

DISMISSAL ORDER

The application was originally scheduled for the public hearing of September 16, 1992. The case appeared on the preliminary agenda on that date because the applicant failed to file an affidavit indicating compliance with the posting requirements of Section 3317 of the Board's Rules. By letter dated September 16, 1992 and by testimony at the public hearing, the applicants representative requested a continuance of the public hearing on the case because the applicant did not receive notice of the hearing date because of a change of address. In addition, the applicant's representative needed additional time to obtain specific information from the lessee of the subject property and to meet with the Office of Planning. The Board rescheduled the application for public hearing on November 18, 1992.

The case appeared on the preliminary agenda for the public hearing of November 18, 1992 because no affidavit of posting was filed. By letter dated November 13, 1992 and by testimony at the public hearing, the applicant's representative requested postponement of the public hearing. The request for postponement was based on the fact that the applicant's representative had withdrawn from the case in October 1992 because he was unable to obtain crucial information from the lessee. Subsequently, the lessee provided the requested information and the applicant's representative reacquired the case. However, the applicant's representative did not have time to adequately prepare for the case and submit the required documents 14 days prior to the public hearing. There was opposition to the request for further postponement based on the inconvenience imposed on parties in opposition to the case who have been present on two scheduled hearing dates to express their views without success. The Board determined that further continuance of the application would allow for the submission of detailed information pertinent to the case

and therefore provide all parties a better opportunity to respond to the relevant zoning issues. The Board rescheduled the application for the public hearing of February 17, 1993.

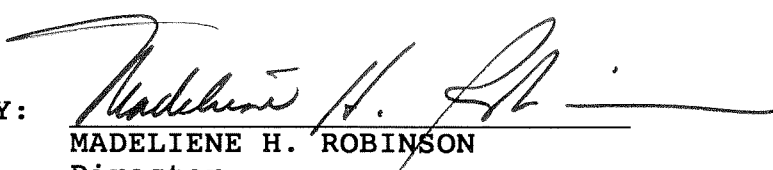
The case appeared on the preliminary agenda for the public hearing of February 17, 1993 because no affidavit of posting was filed. By letter dated February 16, 1993 and by testimony at the public hearing, the applicant's representative requested postponement of the public hearing on the case pending the anticipated resolution of litigation between the property owner and the lessee. There was opposition to the request for postponement based on the inconvenience to other parties who have repeatedly appeared for public hearings on the matter only to have the case postponed.

Upon consideration of the foregoing facts, the Board concludes that the applicant has been afforded ample opportunity to prepare for the public hearing of the subject application and has failed to do so. The Board concludes that further postponement of the application is not justified and could result in further disruption of the scheduling of other applications pending assignment of public hearing dates. The Board concludes that the applicant should more appropriately file a new application, if necessary, after resolution of any litigation or other issues related to the proposed use of the site. Accordingly, it is hereby ORDERED that the application is DISMISSED without prejudice.

VOTE: 3-0 (John G. Parsons, Paula L. Jewell, and Sheri M. Pruitt to dismiss; Angel F. Clarens and Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

MAR 12 1993

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

15697Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15697

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 12 1993 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Gary T. Williams
1899 L Street, N.W.
Washington, D.C. 20036

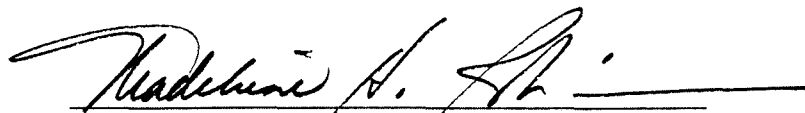
Roxanna Allen
1900 Irving Street, N.E., #204
Washington, D.C. 20018

Beatrice Y. Black
3215 20th Street, N.E.
Washington, D.C. 20018

Imogene P. Stewart
1900 Irving Street, N.W., #202
Washington, D.C. 20018

Pan United, Inc.
14700 H. Flint Lee Road
Chantilly, Virginia 22021

Brian K. Flowers, Chairperson
Advisory Neighborhood Commission 5A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D.C. 20017


MADELIENE H. ROBINSON
Director

DATE: MAR 12 1993

15697Att/bhs